

REMARKS

The Examiner's action dated November 6, 2003, has been received, and its contents carefully noted.

In view of the restriction requirement, claims 34-37, 40 and 41 have been cancelled, as have claims 1, 2, 4, 33, 38, 39, 42 and 43.

In response to the observation presented in section 2 of the action, the abstract has been amended to conform to U.S. practice, although there was no objection to the abstract.

In response to the requirement presented in section 3 of the action, a new title is submitted herewith.

In response to the objection presented in section 4 of the action, the misspelling noted in the specification has been corrected.

In response to the objection to the claims presented in section 5 of the action, claim 1 has been cancelled and claim 6 has been placed in independent form by incorporation of all of the subject matter of original claims 1 and 2 therein. It is noted that claim 6 was not objected to.

Claim 3 has been amended by deleting the reference to the lamp.

The objection to claims 15-22 and 26 is respectfully traversed. Even if it may be correct that these claims do not define additional structure, there is no requirement that dependant claims define additional structure. The only

requirement for a proper dependant claim is that it shall included every limitation of the claim from which it depends or in other words that it shall not conceivably be infringed by anything that would not also infringe the basic claim.
MPEP section 608.01(n) III.

Claim 17 has been amended by deleting "decision" and providing a recitation that is fully supported by claim 16.

In claims 23 and 24, the misspelling noted by the Examiner has been corrected.

Claim 33 has been cancelled.

In view of the above, it is requested that all of the claim objections be reconsidered and withdrawn.

In response to the objection to the drawing, the claims have been amended to no longer make reference to a lamp. It is therefore understood that this element need not be illustrated and it is accordingly requested that the objection to the drawing be reconsidered and withdrawn.

In view of the prior art rejections presented in the action, and in view of the indication of allowable subject matter in section 11 of the action, claims 1 and 2 have been cancelled and their subject matter has been incorporated into claims 6, as noted above. Dependant claims that previously depended from claim 1 or claim 2 have been amended to depend from claim 6.

New claim 44 also depends from claim 6 and defines a further feature of the invention.

Appln. No. 09/987,685
Amd. dated April 6, 2004
Reply to Office Action of November 6, 2003

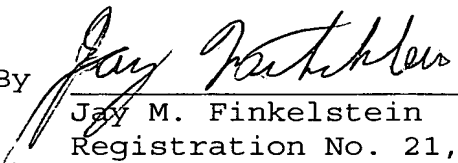
New independent claims 45 and 46 constitute allowable claims 23 and 24 in independent form.

Accordingly, it is submitted that all of the claims now in the application are in *prima facie* allowable condition, that the drawing illustrates all claimed subject matter and that the specification is now in proper form. Accordingly, an early Notice of Allowance is requested.

If the above amendment should not now place the application in condition for allowance, the Examiner is invited to call undersigned counsel to resolve any remaining issues.

Respectfully submitted,

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Replacement Abstract

Abstract

~~The present invention concerns to a~~ system for detecting and diagnosing ear related conditions. ~~The invention provides for~~system includes a device capable of obtaining a spectrum of reflected light from an ear of a subject and a processing unit in connection with ~~said~~the device, which is capable of translating the obtained spectrum of reflected light to one or more output values related to the condition of the ear. The invention further provides a method for detecting and diagnosing ear related conditions ~~comprising~~including the steps of illuminating inside the ear; inserting a device to the ear canal capable of conveying at least one spectrum of reflected light from ~~said~~the ear to a processing unit; and activating ~~said~~the processing unit thereby translating at least one spectrum of reflected light provided at the time of activating to one or more output values related to the condition of the ear.